

## REMARKS

Claims 1-25, 27 and 28 are pending in the application.

In paragraph 2 on page 5 of the Office Action, claims 1-4, 7-16,25,27 and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis.

In paragraph 4 on page 14 of the Office Action, claims 5, 6 and 17-21 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Ellis in view of Moeller.

In paragraph 5 on page 17 of the Office Action, claims 22-24 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Ellis in view of Moeller, and further in view of Youden.

Applicant respectfully traverses the rejection.

Independent claim 1 sets forth a method for dynamically storing compressed audiovisual data. At least one of a plurality of content stored dynamically has a variable duration. Thus, the storing dynamically further includes allocating a portion of memory in the mass storage device, utilizing a predetermined amount of said allocated portion of memory, allocating an additional portion of memory in the mass storage device in response to utilizing said predetermined amount of said allocated portion of memory and repeating said utilizing and said allocating said additional portion of memory until all of said at least one of said plurality of content having a variable duration is stored. Independent claims 2, 12 and 28 set forth similar elements.

In contrast, Ellis merely discloses a program guide system that records, at a remote server, programs and associated program guide data on storage in response to

record requests generated by the program guide. Ellis also describes how recorded programs may be retrieved from the remote server for playback by a user.

However, Ellis does not mention a way to record content having a variable duration wherein memory is allocated a portion at a time until the program ends.

The Office Action refers to the caching only portions a program when retrieving content for playback by a user. For example, Ellis describes how a second portion may be prefetched when playback of the first portion reaches a predetermined stage.

Nevertheless, Ellis does not provide a dynamic storage for content of a variable duration. For example, a baseball game may go into extra innings. There is no way to know this beforehand. Thus, setting a duration, a stop/start time or merely selecting the event to record may result in a portion of the variable duration event from being recording. The user may select a duration that is sufficiently long to record most events until the end. However, this can result in much wasted use of storage space, or may still result in the event being clipped.

Accordingly, Ellis does not describe allocating a portion of memory in the mass storage device, utilizing a predetermined amount of said allocated portion of memory, allocating an additional portion of memory in the mass storage device in response to utilizing said predetermined amount of said allocated portion of memory and repeating said utilizing and said allocating said additional portion of memory until all of said at least one of said plurality of content having a variable duration is stored.

Thus, Ellis fails to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28.

Moeller fails to overcome the deficiencies of Ellis. Moeller is merely cited as disclosing storing a temporally sub-sampled version of the desired broadcast content to generate a fast-forward track and generating real-time encoded play tracks, fast forward tracks, rewind tracks, and entry point data (EPD) files associated with each track, wherein said fast-forward and rewind tracks forming said temporally adjusted content.

However, Moeller also does not mention a way to record content having a variable duration wherein memory is allocated a portion at a time until the program ends.

Accordingly, Ellis does not describe allocating a portion of memory in the mass storage device, utilizing a predetermined amount of said allocated portion of memory, allocating an additional portion of memory in the mass storage device in response to utilizing said predetermined amount of said allocated portion of memory and repeating said utilizing and said allocating said additional portion of memory until all of said at least one of said plurality of content having a variable duration is stored.

Thus, Ellis and Moeller, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28.

Youden fails to overcome the deficiencies of Ellis and Moeller. Youden is merely cited as disclosing storing said fast-forward tracks in extents in front to back order and storing said rewind tracks in extents. However, Youden also does not mention a way to record content having a variable duration wherein memory is allocated a portion at a time until the program ends.

Accordingly, Youden does not describe allocating a portion of memory in the mass storage device, utilizing a predetermined amount of said allocated portion of memory, allocating an additional portion of memory in the mass storage device in response to utilizing said predetermined amount of said allocated portion of memory and repeating said utilizing and said allocating said additional portion of memory until all of said at least one of said plurality of content having a variable duration is stored.

Thus, Ellis, Moeller and Youden, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28.

Dependent claims 3-11, 13-25 and 27 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 2 and 12, respectively. Further dependent claims 3-11, 13-25 and 27 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 3-11, 13-25 and 27 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No.

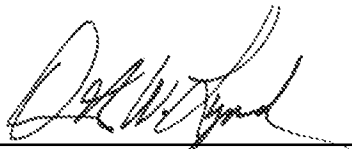
U.S. Patent Application Serial No. 091994,583  
Response Under 37 C.F.R. § 1.116 dated July 23, 2009  
Reply to Final Office Action of March 17, 2009  
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13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly,  
extension of time fees.

Respectfully submitted,

Merchant & Gould  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(865) 380-5976



By: \_\_\_\_\_

Name: David W. Lynch  
Reg. No.: 36,204